

RESOLUTION NO. 74960

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ AUTHORIZING THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AND EXECUTE A FOURTH AMENDMENT TO TURNKEY PARKLAND AGREEMENT FOR TENTATIVE MAP NO. PT04-015 WITH JACKSON SQUARE, LLC TO DEFER COMPLETION OF PARK IMPROVEMENTS AND DEDICATION OF MADDEN PARK FROM DECEMBER 31, 2009 TO JUNE 30, 2010, IN THE EVENT THAT ADDITIONAL TIME IS REQUIRED TO COMPLETE THE PARK IMPROVEMENTS

WHEREAS, Jackson Square, LLC (“Developer”) has proposed and received approval to develop 159 multi-family units within three (3) to four (4) story structures on a 2.3 gross acre site located on the south side of Madden Avenue, easterly of Jackson Avenue, and to develop and dedicate a 0.309-acre neighborhood park site as a turnkey park project, consisting of a children’s play area, a small picnic area, trash receptacles, drinking fountain, security lighting, artificial turf and low-maintenance landscaping, and concrete walkways (“Park Improvements”); and

WHEREAS, on December 21, 2005, the City of San José (“City”) and Developer entered into a Turnkey Parkland Agreement (“Agreement”) under which Developer agreed to satisfy its Parkland Dedication Obligation relating to Tentative Map No. PT04-015 by the construction of the Park Improvements and dedication of the park site; and

WHEREAS, the Agreement has since been amended three times to extend the date of completion of the Park Improvements to December 31, 2009; and

WHEREAS, in the event that additional time beyond December 31, 2009, is required to complete the Park Improvements, it is desire that the City Manager have authority to negotiate and execute a Fourth Amendment to the Turnkey Parkland Agreement to

further defer the completion of the Park Improvements from December 31, 2009 to June 30, 2010;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSÉ THAT:

The City Manager, or designee, is hereby authorized to negotiate and execute a Fourth Amendment to the Turnkey Parkland Agreement for Tentative Map No. PT04-015 between the City of San José and Jackson Square, LLC to defer completion of the Park Improvements and dedication of Madden Park from December 31, 2009 to June 30, 2010, in the event that additional time is required to complete the Park Improvements.

ADOPTED this 16th day of June 16, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NGUYEN.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk